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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/673,642	06/25/96	ROSE	M 6253
			EXAMINER

B5M1/0530
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ART UNIT	PAPER NUMBER
2514	2
DATE MAILED: 05/30/97	

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

Response due August 30, 1997.
OFFICE ACTION SUMMARY

RECEIVED

JUN 02 1997

LAW DEPARTMENT

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 6-7 is/are allowed.
- ☒ Claim(s) 1-5, 8-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit:

DETAILED ACTION

1. The information disclosure statement filed on 9/23/96 has been entered. Claims 1-10 are presented for examination.

Claim Rejections - 35 USC § 112

2. Claim 2 recites the limitation "the user" in line 4. There is insufficient antecedent basis for this limitation in the claim. Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, drawn to the apparatus and method claim 8-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Barakai et al. [referred to as Barakai - 5,103,079].

Regarding claim 1, Barakai discloses a portable terminal 10 comprising a key pad 20 which contains between 10-15 keys [Fig. 1], a card reader 12 [Fig. 1], a modem 50 [Fig. 1] which is connected to a telephone channel, a display 22 [Fig. 1], a logic means 24 [Fig. 1] which is used

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to accept data from the card reader and the keypad for transmitting to a base station 40 [see Fig. 1]. The claim differs in calling for a wireless modem. It would have been obvious to replace Barakai's modem with a wireless modem. This is because an ordinary skilled artisan is well aware of the use and the benefits of using a wireless modem in portable transaction devices. Commercially available devices such as cordless telephones, electronic note pads, POS terminals, card readers having wireless modem for data communication are known and old. Without any unexpected result, the modification is merely a substitution of an art recognized equivalent which would have been plainly obvious to an ordinary skilled individual in the art.

Regarding claim 2, Barakai is silent about the means and steps of issuing messages to instruct a user to insert a card and enter a monetary amount. However, it would have been obvious to incorporate such means and steps in the processing unit as taught by Barakai. Noticed that conventional and commercially available credit transaction system include at least some or all of the following steps:

- Choosing type of transactions [credit, debit, ATM, etc.]
- *Card reader displays a message requesting user to present a card to the reader slot*
- User present the card to the reader
- *Card reader request for a transaction amount on the display*
- User input the transaction amount to the card reader
- Confirmation [optional]
- Transmitting data to a host computer or a local database for verification

Since an ordinary skilled artisan is well aware of the use of such user friendliness instructions, means and procedures in a typical credit card reader and transaction system such as

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Barakai's system, the modification is merely a design consideration which is not considered novel.

Claim 3 differs in calling for a means to transmit a terminal identification code.

Although Barakai is silent about this feature, it would have been obvious to incorporate such means for transmitting the terminal identification code in the processing unit as taught by Barakai's system. The modification allows the host system to keep track of which terminal a transaction is being conducted. This feature is necessary in a network environment in which a plurality of card readers are needed such as whole sale markets, groceries stores, etc. Since an ordinary skilled artisan is well aware of the use of a terminal transaction code in typical credit transaction system and the fact that such network environment is a plainly obvious application of Barakai's system, the modification is merely a design consideration which is not considered novel.

Regarding claim 4, Barakai's terminal includes a wireless modem [see the discussions regarding claim 1] which receives ACK or verification from the remote host/base station 40. The claim differs in calling for a light means indicating status of the receipt signal. However, this claimed feature is not new. The use of ACK or verification indicators are known and old in credit transaction systems and devices. Examples are commercially available readers, scanners, etc., that could be found in shopping centers, grocery stores, etc. Without any unexpected result, it would have been obvious to incorporate a light means to indicate receipt of a verification or ACK signal from the base station 40. The modification is merely a design consideration which

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is added to increase user friendliness feature; and thus is not considered novel. Regarding the claimed feature that the light could be visible for at least 20 feet, this claimed feature is clearly subjective. In addition, most [if not all] indicators used in portable devices as scanners, readers, etc., would have met this claimed feature. For this reason, it would have been plainly obvious to incorporate a light means having such claimed distance illumination characteristics in Barakai's system.

Regarding claim 5, see the discussions above regarding claims 1-2. The claim differs in calling for plurality of terminals and base stations. It would have been obvious to incorporate such limitations in Barakai's system. This is because the modification is merely a method of providing multiple terminals and base stations of Barakai in a close environment such as a whole sale store, a grocery store, etc, in which multi-lanes transaction system is used. Without any unexpected result, the modification is considered as an obvious application of Barakai's system which is not considered novel.

Regarding claim 8, see the discussions regarding claims 1-2 above.

Regarding claim 9, see the discussions regarding claim 1-2 and 4 above. Specifically, the phrase reciting a person who is not familiar with the system is clearly subjective which does not add any limitations to the discussions set forth in claim 2 regarding the transaction instructions.

Regarding claim 10, the claimed means would be met by the means which generates instructions to instruct a user to present a card and enter an amount as set forth regarding claim 2.

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Allowable Subject Matter

5. Claims 6-7 are allowed.

6. The following is an examiner's statement of reasons for allowance: The prior art fails to disclose a transaction unit having the means for preventing one from changing the entered transaction [billing] amount in the manner as recited in claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gutman et al. [5,221,838] disclose an electronic wallet.

Narita et al. [5,278,752] disclose a proceeds processing apparatus requesting a customer to confirm proceeds processing.

Rey [5,272,219] discloses a memory holder for credit card or the like.

Campo et al. [5,334,821] discloses a portable point of sale terminal.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Thien Le* whose telephone number is (703) 305-3500.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. The fax phone number for this Group is (703) 308-7723.

Thien Le

April 28, 1997

DONALD T. HAJEC
SUPERVISORY PATENT EXAMINER
GROUP 2500